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LEGAL PATENT RECORDS CENTER
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4417 LANCASTER PIKE
WILMINGTON, DE 19805

In re Application of
Stephen M. Allen et al
Serial No.: 09/854,731
Filed: May 14, 2001
Attorney Docket No.: BB1171

: PETITION DECISION

This is in response to the petition under 37 CFR 1.181, filed December 4, 2003, for withdrawal of abandonment of the above identified application based on filing of a timely reply. The delay in acting on this petition is regretted.

A review of the file history shows that the examiner mailed a Notice of Allowance and Issue Fee Due and a Notice of Allowability to applicants on January 31, 2003, setting a three month statutory period for payment of the Issue Fee. On April 10, 2003, applicants filed an amendment, by facsimile, under 37 CFR 1.312 to correct minor errors. On April 24, 2003, applicants filed a petition to correct inventorship and RCE papers, by facsimile. On May 5, 2003, applicants filed a Revocation and New Power of Attorney by facsimile. On July 17, 2003, the Office mailed a Notice of Abandonment to applicants based on non-payment of the Issue Fee. This was mailed to applicants previous attorneys. The multiple submissions in April and May have all been located in the file, but not processed due to retrieval of the file for each new submission and mailing of the Notice of Abandonment. In view of the evidence presented the Notice of Abandonment was mailed in error and is withdrawn and the application is restored to pending status with the mailing of this decision.

The petition is **GRANTED**.

The application has been returned to TC 1600 for processing of the RCE papers and charge of the fees to Deposit Account NO. 03-2776, as directed. The application will then be forwarded to the examiner for consideration of the petition to correct inventorship.

Should there be any questions about this decision please contact William R. Dixon, Jr., by letter addressed to Director, TC 1600, at the address listed above, or by telephone at 571-272-0519 or by facsimile sent to the general Office facsimile number, 703-872-9306.



Bruce M. Kisluk
Director, Technology Center 1600